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JC965 U.S. PTO



JT033 U.S. PTO

04/10/01

REISSUE LITIGATION**U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE****REISSUE UTILITY PATENT APPLICATION
TRANSMITTAL PURSUANT TO 37 C.F.R. §§ 1.53/1.171**Attorney Docket No.
10378/3Reissue Applicant
Carey Phillip AtkinApplication No.
To Be AssignedFiling Date
HerewithReissue of United States Letters Patent No.
6,145,066Issued
November 7, 2000Examiner
To Be AssignedArt Unit
To Be AssignedTitle
**COMPUTER SYSTEM WITH TRANSPARENT DATA
MIGRATION BETWEEN STORAGE VOLUMES**Assignee
Amdahl Corp.

Address to:
Assistant Commissioner for Patents
Washington D.C. 20231
BOX PATENT APPLICATION

Transmitted herewith for filing is a Patent Application for a Reissue of United States Letters Patent No. 6,145,066, which is presently assigned to Amdahl Corp.

Applicant(s): **Carey Phillip Atkin**

For: **COMPUTER SYSTEM WITH TRANSPARENT DATA
MIGRATION BETWEEN STORAGE VOLUMES**

1. Enclosed are:

☒ a 56 page patent application (including 49 pages of specification, 1 page of Abstract, and 6 sheet(s) of drawing(s)), which is a copy of United States Letters Patent No. 6,145,066 in accordance with 37 C.F.R. § 1.173(a)(1) (a copy of the cover page of U.S. Patent 6,145,066 is also included).

☒ A signed PRELIMINARY AMENDMENT UNDER 37 C.F.R. §§ 1.121/1.173.

☒ A signed NOTIFICATION OF CONCURRENT LITIGATION UNDER 37 C.F.R. § 1.178(b) (including copies of two (2) litigation documents and related exhibits).

☒ A signed APPOINTMENT OF POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST.

EXPRESS MAIL LABEL NO. EL 59 46 11957 US

☒ A signed SUBMISSION ESTABLISHING OWNERSHIP
UNDER 37 C.F.R. § 3.73(b).

☒ A signed CONSENT OF ASSIGNEE OF ENTIRE INTEREST
UNDER 37 C.F.R. § 1.172.

☒ A signed OFFER TO SURRENDER THE ORIGINAL PATENT
UNDER 37 C.F.R. § 1.178 (to follow if not checked).

☐ A signed REISSUE DECLARATION UNDER 37 C.F.R. § 1.175.

☒ A RETURN RECEIPT POSTCARD (itemized) (M.P.E.P. § 503).

☐ A signed INFORMATION DISCLOSURE STATEMENT and an
accompanying PTO-1449 form (to follow).

☐ Other: _____

2. Applicant(s) hereby claims foreign priority benefits under 35 U.S.C. § 119
of _____ filed on _____.

☐ a certified copy of which is filed herewith.

3. The reissue filing fee has been calculated as shown below:

	NUMBER FILED	NUMBER EXTRA*	RATE (\$)	FEE (\$)
BASIC FEE				710.00
TOTAL CLAIMS	64 - 7 =	57	18.00	1,026.00
INDEPENDENT CLAIMS	8 - 1 =	7	80.00	560.00
MULTIPLE DEPENDENT CLAIM PRESENT			270.00	270.00
*Number extra must be zero or larger		TOTAL		2,566.00
If the applicant is a small entity under 37 C.F.R. §§ 1.9 and 1.27, then divide total fee by 2, and enter amount here.			SMALL ENTITY TOTAL	

As regards the foregoing calculation, original U.S. Patent No. 6,145,066 included seven (7) total claims and one (1) independent claim. The copy of the Specification and Claims as filed herewith (which is a copy of U.S. Patent No. 6,145,066, as provided for by 37 C.F.R. § 1.173(a)(1)) also includes seven (7) total claims and one (1) independent claim. The Preliminary Amendment filed herewith adds fifty-seven (57) claims, including seven (7) additional independent claims. Accordingly, the total number of claims is now sixty-four (64) and the number of independent

claims is now eight (8).

4. Please charge the required application filing fee of **\$2,566.00** to the deposit account number **11-0600** of **Kenyon & Kenyon**.
5. The Commissioner is hereby authorized to charge payment of the following fees, associated with this communication or arising during the pendency of this application, or to credit any overpayment, to the deposit account number **11-0600** of **Kenyon & Kenyon**:
 - A. Any additional filing fees required under 37 C.F.R. § 1.16;
 - B. Any additional patent application processing fees under 37 C.F.R. § 1.17;
 - C. Any additional patent issue fees under 37 C.F.R. § 1.18;
 - D. Any additional document supply fees under 37 C.F.R. § 1.19;
 - E. Any additional post-patent processing fees under 37 C.F.R. § 1.20; or
 - F. Any additional miscellaneous fees under 37 C.F.R. § 1.21.
6. A duplicate copy of this transmittal paper is enclosed for that purpose.
7. In accordance with M.P.E.P. § 1442.02 and notwithstanding the concurrent litigation, Applicant respectfully requests **that the present application be examined at this time** (and that action in the present application *not be stayed*).
8. It is respectfully submitted that the present application for a reissue of United States Letters Patent No. 6,145,066 and the Preliminary Amendment (which is an amendatory paper under 37 C.F.R. §§ 1.121 and 1.173) fully conforms with the Rules of the Office. In a telephone discussion between the undersigned and Special Program Examiner Pinchus Laufer on Tuesday, April 10, 2001, the formats of the present application and the amendatory paper were confirmed as being proper in view of the present Title 37 Rules, including 37 C.F.R. §§ 1.121 and 1.173.

9. Please address all communications regarding this application to:

Aaron C. Deditch, Esq.
KENYON & KENYON
One Broadway
New York, New York 10004-1050

Please direct all telephone calls to Aaron C. Deditch at (212) 425-7200.

Respectfully submitted,

Dated: 4/10/2001

By: 

Aaron C. Deditch
(Reg. No. 33,865)



26646

PATENT TRADEMARK OFFICE

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New York, New York 10004
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**U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE**

**SUBMISSION ESTABLISHING OWNERSHIP
UNDER 37 C.F.R. § 3.73(b)**

Attorney Docket No.
10378/3

Reissue Applicant
Carey Phillip Atkin

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To Be Assigned

Art Unit
To Be Assigned

Title
**COMPUTER SYSTEM WITH TRANSPARENT DATA
MIGRATION BETWEEN STORAGE VOLUMES**

Assignee
Amdahl Corp.

Address to:
Assistant Commissioner for Patents
Washington D.C. 20231

Amdahl Corp., a company having a place of business at 120 East Arques Avenue, Sunnyvale, CA 94088-3470, respectfully submits that it is the sole owner of the entire right, title and interest in and to United States Letters Patent No. 6,145,066. This ownership is established by the Assignment (from Carey Phillip Atkin to Amdahl Corp.) that was recorded in the records of the United States Patent and Trademark Office on August 17, 2000 at Reel 011071, Frame 0238.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

I declare that all of the above statements made based on my own knowledge are true and that all of the above statements that were made on information and belief are believed to be true, and further declare that these statements are made with the knowledge that knowing, willful and materially false statements, as are defined under Section 1001 of Title 18 of the United States Code, are punishable by fine, imprisonment, or both under Section 1001, and that such statements may affect the validity of the application, any patent issuing thereon or any patent to which this declaration is directed.

AMDAHL Corp.
120 East Arques Avenue
Sunnyvale, CA 94088-3470

Dated: April 9, 2001

By: 
Name: Gregory Handschuh
Title: Vice President & General Counsel

**U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE**

**CONSENT OF ASSIGNEE OF ENTIRE INTEREST
UNDER 37 C.F.R. § 1.172**

Attorney Docket No.
10378/3

Reissue Applicant
Carey Phillip Atkin

Application No.
Not Yet Filed

Filing Date
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The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

AMDAHL Corp.
120 East Arques Avenue
Sunnyvale, CA 94088-3470

Dated: April 9, 2001

By: 
Name: Gregory Handschuh
Title: Vice President & General Counsel

**U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE**

**OFFER TO SURRENDER ORIGINAL PATENT
UNDER 37 C.F.R. § 1.178**

Attorney Docket No.
10378/3

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Carey Phillip Atkin

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The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

AMDAHL Corp.
120 East Arques Avenue
Sunnyvale, CA 94088-3470

Dated: April 9, 2001

By: 
Name: Gregory Handschuh
Title: Vice President & General Counsel

**U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE**

**NOTIFICATION OF CONCURRENT LITIGATION
UNDER 37 C.F.R. § 1.178(b)**

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Pursuant to 37 C.F.R. § 1.178(b), the attention of the United States Patent and Trademark Office is directed to the following concurrent litigation, which involves United States Letters Patent No. 6,145,066: *Innovation Data Processing, Inc. v. Amdahl Corporation*, Civil Action No. 2:01CV00595 (JCL), and which has been filed in the United States District Court Of New Jersey. A status of this litigation is believed to be provided by the following litigation documents for the above-identified concurrent litigation (copies of which are enclosed):

(1) A copy of the COMPLAINT AND JURY DEMAND (dated February 6, 2001, and including copies of Exhibits A, B, C and D); and

(2) A copy of the STIPULATED EXTENSION OF TIME TO ANSWER (dated March 6, 2001).

Respectfully submitted,

Dated: 4/10/2001

By: 

Aaron C. Deditch
(Reg. No. 33,865)

KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200

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EXPRESS MAIL CERTIFICATE

"EXPRESS MAIL" MAILING LABEL NUMBER EL594611987US

DATE OF DEPOSIT April 10, 2001

TYPE OF DOCUMENT Reissue Patent Application

SERIAL NO. Awaited FILING DATE Herewith

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE, BY BEING HANDED TO A POSTAL CLERK OR BY BEING PLACED IN THE EXPRESS MAIL BOX BEFORE THE POSTED DATE OF THE LAST PICK UP, AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

GENEVIEVE HUTCHINSON

(PRINTED NAME OF PERSON MAILING PAPER OR FEE)

Genevieve Hutchinson

(SIGNATURE OF PERSON MAILING PAPER OR FEE)

Title: Computer system with transparent data migration between storage volumes.